

HOUSE BILL 868

N2
HB 1518/24 – HRU

5lr0649
CF 5lr1857

By: **Delegates Rosenberg, Addison, Pasteur, Patterson, Pruski, Ruff, Simmons,
White Holland, Wims, and Wu**

Introduced and read first time: January 30, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Interpretation of Wills – Evidence of Intent**
3 **(Granny’s Law)**

4 FOR the purpose of authorizing, under certain circumstances, a personal representative to
5 petition the orphans’ court to interpret a decedent’s will in accordance with the
6 decedent’s intent as demonstrated by certain extrinsic evidence; establishing a
7 certain rebuttable presumption as to a decedent’s intent; authorizing the personal
8 representative to require a certain legatee to demonstrate the use of a legacy under
9 the decedent’s will; requiring the court to interpret a will in a certain manner if
10 certain language is included in the will; authorizing the personal representative to
11 petition the court to issue a certain order or judgment regarding the legacy; applying
12 certain provisions of this Act retroactively to wills probated on or after a certain date;
13 and generally relating to the interpretation of provisions of wills and extrinsic
14 evidence.

15 BY repealing and reenacting, with amendments,
16 Article – Estates and Trusts
17 Section 7–402
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 1–102
23 Annotated Code of Maryland
24 (2023 Replacement Volume and 2024 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Estates and Trusts

7–402.

(a) (1) The personal representative may petition the court for permission to act in any matter relating to the administration of the estate.

(2) (I) 1. A PERSONAL REPRESENTATIVE WHO HAS POWER OF ATTORNEY OR WHOM A DECEDENT ALSO NAMED AS THE DECEDENT’S CAREGIVER MAY PETITION THE COURT TO INTERPRET A WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT IF:

A. THE WILL CONTAINS A LEGACY FOR A HEALTH PROVIDER OR CHARITABLE ORGANIZATION IN THE HEALTH SECTOR; AND

B. THE WILL DOES NOT EXPRESSLY PROVIDE THAT THE LEGACY MUST BE USED TO ADDRESS HEALTH EQUITY ISSUES EVEN THOUGH THE DECEDENT’S LIFE REFLECTED AN ACTIVE INTEREST IN HEALTH EQUITY ISSUES.

2. A PERSONAL REPRESENTATIVE WHO PETITIONS A COURT UNDER THIS PARAGRAPH SHALL PRESENT EVIDENCE SATISFACTORY TO THE COURT, INCLUDING EVIDENCE OF ACTIONS TAKEN BY THE DECEDENT DURING THE DECEDENT’S LIFETIME, TO DEMONSTRATE THE INTENT OF THE DECEDENT UNDER THIS SUBPARAGRAPH THAT THE LEGACY TO THE HEALTH PROVIDER OR CHARITABLE ORGANIZATION IN THE HEALTH SECTOR MUST BE USED TO ADDRESS HEALTH EQUITY ISSUES.

(II) A PERSONAL REPRESENTATIVE’S PRESENTATION OF EVIDENCE IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CREATE A REBUTTABLE PRESUMPTION AS TO THE INTENT OF THE DECEDENT AND, UNLESS EVIDENCE IS PRESENTED TO REBUT THE PRESUMPTION, THE COURT SHALL INTERPRET THE WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT.

(III) THE COURT SHALL DEFER TO THE JUDGMENT OF THE PERSONAL REPRESENTATIVE REGARDING THE ADMINISTRATION OF THE WILL UNDER THIS PARAGRAPH IF THE WILL INCLUDES THE FOLLOWING LANGUAGE:

“IN ADDITION TO THE POWERS CONFERRED UPON PERSONAL REPRESENTATIVES AND TRUSTEES BY LAW, MY REPRESENTATIVE AND TRUSTEE, OR ANY DULY APPOINTED SUCCESSOR, SHALL HAVE AUTHORITY WITHOUT ADJUDICATION OR ORDER OR DIRECTION OF THE COURT TO:

(1) SELL, PURSUANT TO OPTION OR OTHERWISE, AT A PUBLIC OR PRIVATE SALE AND UPON SUCH TERMS AS THE PERSONAL REPRESENTATIVE SHALL

1 DEEM BEST, ANY REAL OR PERSONAL PROPERTY BELONGING TO MY ESTATE
2 WITHOUT REGARD TO THE NECESSITY OF SUCH SALE FOR THE PURPOSE OF PAYING
3 DEBTS, TAXES, OR LEGACIES;

4 (2) RETAIN ANY AND ALL OF SUCH PROPERTY NOT SO REQUIRED
5 WITHOUT LIABILITY FOR ANY DEPRECIATION THEREOF;

6 (3) ASSIGN OR TRANSFER CERTIFICATES OF STOCK, BONDS, OR
7 OTHER SECURITIES;

8 (4) ADJUST, COMPROMISE, AND SETTLE ANY AND ALL CLAIMS IN
9 FAVOR OF OR AGAINST MY ESTATE;

10 (5) CONDUCT AND CARRY ON ALL BUSINESS UNTIL SUCH TIME AS THE
11 BUSINESS CAN BE SOLD AND DISTRIBUTED AS A GOING CONCERN OR OTHERWISE,
12 AND THE PERSONAL REPRESENTATIVE SHALL BE EXONERATED FROM ANY LOSS
13 WHICH MAY RESULT THEREBY; AND

14 (6) DO ANY AND ALL THINGS NECESSARY AND PROPER TO COMPLETE
15 THE ADMINISTRATION OF ALL MY ESTATE AS FULLY AS I COULD DO IF I WERE
16 LIVING.”.

17 (IV) THE JUDGMENT OF A PERSONAL REPRESENTATIVE THAT A
18 COURT IS REQUIRED TO DEFER TO UNDER SUBPARAGRAPH (III) OF THIS
19 PARAGRAPH:

20 1. INCLUDES ANY ACT TO ADDRESS HEALTH DISPARITY;
21 AND

22 2. SHALL BE CONSIDERED AUTHORIZED BY LAW UNLESS
23 THERE IS COMPELLING EVIDENCE THAT THE PERSONAL REPRESENTATIVE IS
24 ACTING:

25 A. CONTRARY TO THE INTENT OF THE DECEDENT; AND

26 B. WITH INTENT TO COMMIT FRAUD AGAINST THE
27 ESTATE.

28 (V) THE PROVISION DESCRIBED IN SUBPARAGRAPH (III) OF
29 THIS PARAGRAPH SHALL BE INTERPRETED TO ENSURE THAT:

30 1. ALL INDIVIDUALS WITH POWERS OF ATTORNEY OR
31 NAMED AS CAREGIVERS BY THE DECEDENT DURING THE DECEDENT’S LIFETIME ARE

1 HELD ACCOUNTABLE AND PROTECTED; AND

2 2. A PERSONAL REPRESENTATIVE UNDER THIS
3 PARAGRAPH HOLDS AN INTERESTED PERSON ACCOUNTABLE FOR THEIR ACTIONS
4 OR INACTIONS TOWARD, RELATED TO, IN HONOR OF, OR ON BEHALF OF THE
5 DECEDENT.

6 (VI) 1. FOR THE PERIOD BEGINNING 6 MONTHS AFTER THE
7 PROBATE OF THE ESTATE AND ENDING 3 YEARS AFTER THE PROBATE OF THE
8 ESTATE, A PERSONAL REPRESENTATIVE WHO PETITIONS THE COURT UNDER
9 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY REQUIRE A LEGATEE DESCRIBED
10 UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH TO DEMONSTRATE HOW THE
11 LEGACY WAS USED BY THE LEGATEE.

12 2. IF THE LEGATEE FAILS TO DEMONSTRATE THAT THE
13 LEGACY WAS USED IN ACCORDANCE WITH THE INTERPRETATION OF THE WILL
14 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERSONAL REPRESENTATIVE
15 MAY PETITION THE COURT TO ISSUE:

16 A. AN ORDER REQUIRING THE BENEFICIARY TO RETURN
17 THE LEGACY TO THE ESTATE; OR

18 B. A JUDGMENT REQUIRING THE LEGATEE TO PAY THE
19 ESTATE THE VALUE OF THE LEGACY.

20 (b) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
21 court may pass any order it considers proper.

22 (2) IN A PROCEEDING UNDER SUBSECTION (A)(2) OF THIS SECTION,
23 THE COURT MAY PASS ANY ORDER IT CONSIDERS:

24 (I) PROPER; AND

25 (II) CONSISTENT WITH THE GUIDANCE IN SUBSECTION (A)(2) OF
26 THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
28 as follows:

29 Article – Health – General

30 1-102.

1 **IT IS THE POLICY OF THE STATE TO OPPOSE AND ALLEVIATE ANY DISPARITY**
2 **IN HEALTH OUTCOMES FOR AND AMONG RACIAL GROUPS IN THE STATE RESULTING**
3 **FROM THE PROVISION OF TREATMENT OTHERWISE AVAILABLE TO ASSIST THE**
4 **PUBLIC IN GENERAL, AND TO ENCOURAGE AND SUPPORT THE MAKING OF GIFTS AND**
5 **BEQUESTS CONSISTENT WITH THIS POLICY TO ADDRESS AND ALLEVIATE SUCH**
6 **HEALTH DISPARITIES.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
8 construed to apply retroactively and shall be applied to and interpreted to affect any will
9 probated on or after October 1, 2021.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2025.